

REMARKS

This Amendment adds new claim 27 and rewrites claim 16. The contact medium feature of new claim 27 is supported by page 8, line 17 to page 9, line 12. The amendment to claim 16 merely corrects an obvious typographical error. A version with markings to show changes made is attached as an Appendix. Claims 12-27 are pending.

This Amendment overcomes the objection to claim 16, which has been rewritten to correct the typographical error helpfully identified by the Examiner. Reconsideration and withdrawal of the objection to claim 16 are earnestly requested.

The 35 U.S.C. § 102(b) rejection of claims 12-20, 22 and 23 over PCT Patent Publication WO 00/09649 to Ronsick is respectfully traversed. A feature of the claimed method for detecting at least one anaerobic microorganism in a sample is the addition into a sterile receptacle of at least one sterile, inert solid support. The inventors have unexpectedly discovered that the presence of the inert support reduces detection times by stimulating/accelerating cellular multiplication of the microorganism. See Examples 1 and 2, particularly Tables 1 and 2, and Figs. 1-3 of the application.

Ronsick fails to disclose or suggest the addition of an inert solid support to a sterile receptacle. Instead, Ronsick discloses a sealable, sterilizable vessel which includes a reactive disposable sensor located at either the bottom of a culture

container or in the sealing means of the container. The sensor comprises a solid composition or membrane, with an indicator medium immobilized on or within it (Page 12, lines 16-21). The sensor is reactive rather than inert because it reacts to a change in concentration of a gas, volatile acid and/or pH within the vessel (page 2, lines 6-8). Reconsideration and withdrawal of the anticipation rejection of claims 12-20, 22 and 23 over Ronsick are earnestly requested.

The 35 U.S.C. § 103(a) rejection of claims 21, 24 and 25 over Ronsick is also traversed. As discussed above, Ronsick fails to disclose the addition into a sterile receptacle of at least one inert solid support, or teach that the addition of an inert support can dramatically increase the cell multiplication of a microorganism.

One of ordinary skill in the art would not be led to the claimed method by Ronsick's reactive disposable sensor because the reference expressly teaches that its sensor may be located above the culture medium in the vessel's sealable vent as well as at the bottom of the culture container (page 12, lines 16-18), thus demonstrating that there is no recognition by Ronsick that an inert, solid support will increase cell multiplication of a microorganism. Moreover, the function of Ronsick's reactive disposable sensor is to indicate the presence of a microorganism

rather than to accelerate cell multiplication and thereby reduce the time required to detect the presence of a microorganism in a sample. One of ordinary skill in the art, seeking to reduce detection times for microorganisms, is thus given no suggestion to replace the reactive, disposable sensor of Ronsick with an inert, sterile support.

Reconsideration and withdrawal of the obviousness rejection of claims 21, 24 and 25 over Ronsick are earnestly requested.

It is believed the application is in condition for allowance. Reconsideration and withdrawal of all objections and rejections of claims 12-25, and issuance of a Notice of Allowance directed to claims 12-27, are earnestly requested. The Examiner is urged to telephone the undersigned should she believe any further action is required for allowance.

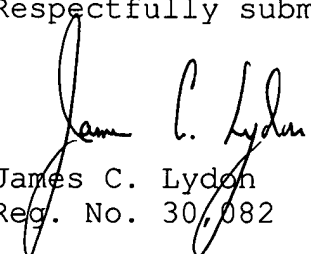
It is not believed that any fee is required for entry and consideration of this Amendment. Nevertheless, the Commissioner is

U.S. Appln. S.N. 09/870,510
AMENDMENT

PATENT

authorized to charge our Deposit Account No. 50-1258 in the amount
of any such required fee.

Respectfully submitted,



James C. Lydon
Reg. No. 30,082

Atty. Case No.: BONN-054
100 Daingerfield Road
Suite 100
Alexandria, Virginia 22314
Telephone: (703) 838-0445
Facsimile: (703) 838-0447

Enclosure:
Appendix

APPENDIX

Version With Markings to Show Changes Made

IN THE CLAIMS:

Claim 27 is new.

Claim 16 has been rewritten as follows:

16. (Once Amended) The method of claim 14, wherein said [phsyicochemical] physicochemical or electrical parameter is at least one member selected from the group consisting of CO₂ production, pressure, turbidity, oxidation/ reduction potential and pH.